

### **REMARKS**

Claims 4, 6-10, 12, 20-25, and 33-40 have been cancelled as shown on pp. 2-6 of the reply. Thus, claims 1-3, 5, 11, 13-19, and 26-32 are currently pending in the subject application and are presently under consideration. In addition, claims 1-3, 5, 11, 13-19, 26, and 29-32 have been amended as shown on pp. 2-6 of the Reply.

The below comments present in detail the distinctive features of applicants' claimed invention over the cited art as described over the telephone on April 8, 2008.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Objection to the Specification**

The specification is objected to as allegedly failing to provide proper antecedent basis under 37 C.F.R. § 1.75(d)(1) for the claimed subject matter. In addition, claims 6 and 26 are objected to as "a computer readable medium" is allegedly not defined clearly in the specification, so that the meaning of the term in the claims is not ascertainable by reference to the specification. This objection is considered moot in light of the cancellation of claim 6 and the amendment to claim 26, and thus, the objection should be withdrawn. However, for the sake of clarity, applicants' representative respectfully request withdrawal of the objection, because the term "computer readable medium" in the singular sense is defined with particularity in the specification as "computer-readable media" in the plural sense. For example, please see Figure 12 and page 29 lines 11-26, beginning "The computer 1202 . . . ."

#### **II. Rejection of Claims 1-5, 9-11, 13-20 Under 35 U.S.C. §101**

Claims 1-5, 9-11, 13-20 stand rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. Specifically with regard to independent claims 1 and 13 (and associated dependent claims), it is contended that the claims define software *per se*. However, the Federal Circuit has clearly established in *Eolas Techs., Inc. v. Microsoft Corp.*, 399 F.3d 1325, 1338 (Fed. Cir. 2005) and *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 1358. (Fed. Cir. 1999) that inventions such as that claimed by applicants are statutory.

This court must also decide whether software code made in the United States and exported abroad is a "component of a patented invention" under 271(f)... § 271(f) refers to "components of a patented invention."... Title 35, § 101, explains that an invention includes "any new and useful process, machine, manufacture or composition of matter."... Without question, *software code alone qualifies as an invention eligible for patenting under these categories*, at least as processes. *Eolas Techs., Inc. v. Microsoft Corp.*, 399 F.3d 1325, 1338 (Fed. Cir. 2005). (emphasis added).

Applicants' representative respectfully disagrees with the Examiner's contentions and submits that the requirements necessary to fulfill the conditions for patentability under 35 U.S.C. § 101 are satisfied. The Federal Circuit in *Eolas Techs., Inc. v. Microsoft Corp.* clearly established that software code alone is statutory subject matter, *at least* as processes. However, the allowance for software code alone as processes in *Eolas* does not limit the otherwise patentable subject matter categories.

For example, independent claim 1 recites a system that relates to facilitating controlling a computing device. Systems are by themselves statutory subject matter. In addition, it should be reasonably understood by one skilled in the art that a system referring to components that perform actions (e.g., receives local input device data, routes the local input device data, communicates with the agent to facilitate control of the second computing system, etc.) cannot be implemented by a software program alone. Accordingly, independent claims 1 and 13 are inherently directed to a computer-related entities capable of performing the recited actions. *See, e.g., p. 7, ll. 1-8, etc.* For the avoidance of doubt, claims 1 and 13, as well as associated dependent claims, have been amended to indicate that the systems are computer-implemented systems. By the standards set forth in the above decision, a computer implemented system, in the form of software in execution, hardware, or any combination thereof clearly falls within the categories of statutory subject matter.

Furthermore, the subject claims produce a useful, concrete, and tangible result as described below with regard to independent claim 1.

Because the claimed process applies the Boolean principle [abstract idea] *to produce a useful, concrete, tangible result* ... on its face the claimed process comfortably falls within the scope of §101. *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 1358. (Fed. Cir. 1999) (Emphasis

added); See *State Street Bank & Trust Co. v. Signature Fin. Group, Inc.*, 149 F.3d 1368, 1373, 47 USPQ2d 1596, 1601 (Fed.Cir.1998). The inquiry into patentability requires an examination of the contested claims to see if the claimed subject matter, ***as a whole***, is a disembodied mathematical concept representing nothing more than a "law of nature" or an "abstract idea," or if the mathematical concept has been ***reduced to some practical application rendering it "useful."*** *AT&T* at 1357 citing *In re Alappat*, 33 F.3d 1526, 31 USPQ2d (BNA) 1545, 1557 (Fed. Cir. 1994) (emphasis added).

According to *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352 (Fed. Cir. 1999), the standard set forth by the Federal Circuit for determining whether claims are directed towards statutory subject matter is whether ***the claims as a whole*** can be applied in a practical application to ***produce a useful, concrete and tangible result***. It is the result of the claims as applied in a practical application that is germane to the determination of whether the claims are directed towards statutory subject matter. The subject claims clearly satisfy this legal standard.

For example, regarding independent claim 1 applicants' representative respectfully submits that the requirements necessary to fulfill the conditions for patentability under 35 U.S.C. § 101 are satisfied. In particular, independent claim 1 of record recites a local agent component that receives local input device data of one or more local input devices of a local system and routes the local input device data to a remote system for the control thereof with the one or more local input devices. As a result, the claimed invention facilitates controlling a computing device. See e.g., Summary, Figure 2, etc. Thus, the subject claims clearly recite an invention that produces a useful, concrete, and tangible result. Accordingly, it is believed that independent claims 1 and 13 (and associated dependent claims) are in condition for allowance.

Claims 19 and 20 stand rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. In particular, claims 19 and 20 are rejected, because, it is contended that the claims of record define a data structure *per se*. Claim 20 has been cancelled and its amended limitation has been incorporated into claim 13. Thus, claims 13 and 19 have been amended to more clearly recite features of the first computing system and first agent respectively. As a result, claims 13 and 19 are believed to be in condition for allowance.

Reconsideration and withdrawal of the rejection of independent claims 1 and 13 (and associated dependent claims) under 35 U.S.C. § 101 is respectfully requested in view of the foregoing comments.

**III. Rejection of Claims 1-10, 12-17, 19, 20, 32, 33, 35, 36, 39, 40 Under 35 U.S.C. § 102(e)**

Claims 1-10, 12-17, 19, 20, 32, 33, 35, 36, 39, 40 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Panasyuk *et al.*, U.S. Patent 6,437,803 (hereinafter, “Panasyuk”). Claims 4, 6-10, 12, 20-25, and 33-40 have been cancelled, and thus, claims 1, 13, 26, and 32 are independent claims. Applicants’ representative respectfully requests withdrawal of this rejection, because Panasyuk does not expressly or inherently describe each and every limitation of applicants’ claimed invention.

For a prior art reference to anticipate, 35 U.S.C. § 102 requires that “*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

The disclosed subject matter relates to a framework for providing user interaction with one or more other networked computing devices through a first computing device. To that end, the disclosed subject matter provides an agent component that facilitates manual and automatic configuration of networked computer devices such that each of the networked computing devices input and output devices interact with one another in a prescribed manner. Accordingly, the disclosed subject matter provides an agent component resident on a local computing system to facilitate switching of the local input device signals to a remote computing system such that the agent of the remote computing system allows the local input device(s) to control the remote computing system.

In an aspect of the disclosed subject matter, remote input devices can also be used to control the remote computing system at the same time as the local computing devices. For example, when a user manually signals the remote computing system that local input device control is to be switched back to the local computing system, the remote computing system signals the remote agent, the remote agent signals the local agent, and the local agent switches the local input device signals to the local computing device inputs.

In a further aspect, the disclosed subject matter facilitates routing clipboard data of a first system clipboard to a second system in response to a routing signal. In another aspect, a first agent of a first computing system facilitates copying of clipboard data from the first computing system to the second computing system by encapsulating the clipboard data and transmitting the encapsulated clipboard data to a second agent of the second computing system, which second agent verifies that the clipboard data can be copied to the second computing system.

In another aspect, the disclosed subject matter can facilitate remote control by the local computing system, for example, only if the remote computing system has been properly authenticated as a member of a group of systems authorized to take part in such an exchange, which can be done manually or automatically. In the manual instance, when the remote system is brought into a geographical area of the local system, the remote system is connected to the network, and manually configured in accordance with a network database to be a member of the group such that remote control can be performed. In the automatic aspect, when the remote system is brought into the area of the local system, the remote system automatically authenticates to the network. The network further authenticates the remote system against the network database of authorized members of the group, and then allows the local and remote agents to communicate to facilitate the control aspects of the present invention.

In contrast, Panasyuk merely describes incorporating windows from remote desktop environments into a local desktop environment *via* a local node, a local agent, a first remote node, and a first remote agent. To that end, Panasyuk describes a first remote node that provides a first remote desktop environment, and a first remote agent that monitors the first remote desktop environment for changes in the environment. Panasyuk further describes that the first remote node transmits messages to a local agent indicative of changes in the first remote desktop environment. The local agent then receives the transmitted messages and commands the local node to modify a representation of a first remote window that is part of a local desktop environment. However, Panasyuk fails to disclose aspects of applicants' claim invention.

For example, regarding amended independent claim 1, the claim recites: *the local agent of the local system is communicatively coupled to an associations database comprising associations information between a user, the local system, and the remote system such that the local system automatically facilitates control of the remote system by the user via the local agent upon deployment of the remote system proximate to the local system.* Column 1, lines

54-61 are cited for support that Panasyuk discloses this aspect of applicants' claimed invention. However, at the indicated portions, Panasyuk merely describes that the system allows a user to interact with displayed windows without knowledge of the source of those windows, and changes to the window, either locally or remotely, are reflected in the corresponding display on the server or client.

Panasyuk fails to explicitly or inherently disclose these aspects of applicants' claimed invention. For instance, while Panasyuk describes two agents in communication without knowledge of the source of those windows, Panasyuk fails to disclose *the local agent of the local system is communicatively coupled to an associations database . . . such that the local system automatically facilitates control of the remote system by the user via the local agent upon deployment of the remote system proximate to the local system.*

In addition, regarding amended independent claim 32, the claim similarly recites: *means for accessing a database of associations between the first system, at least a second system, and a user thereof to automatically facilitate control of the second system via the first system upon deployment of the second system proximate to the first system.* As described above regarding cited column 1, lines 54-61, while Panasyuk describes two agents in communication without knowledge of the source of those windows, this cannot be said to expressly or inherently disclose this aspect of applicants' claimed invention.

Regarding amended independent claim 13, the claim recites: *the first computing system transmits update information from the first computing system to a database disposed at least one of on a network and with the first computing system such that deployment of the second computing system on the network triggers automatic update of the second computing system with the update information.* Column 6, lines 25-29 and 54-57 are cited for support that Panasyuk discloses this aspect of applicants' claimed invention. However, at the indicated portions, Panasyuk merely describes a communication process whereby the Panasyuk client agent (the first system as indicated in p.7 of Official Action dated February 6, 2008) resets its internal data structures upon establishment of the seamless windowing mode with the Panasyuk server agent (the second system as indicated in p.7 of Official Action dated February 6, 2008). Panasyuk fails to explicitly or inherently disclose *the first computing system transmits update information from the first computing system to a database . . . such that deployment of the second computing system on the network triggers automatic update of the second computing*

*system with the update information* as applicants claim.

Regarding amended independent claim 26, the claim recites: *routing the clipboard data to the second computing system in response to a routing signal*. Similarly, amended independent claim 32 recites: *means for automatically routing clipboard content from the first system to the at least a second system, the at least a second system including a second agent that verifies that the clipboard content can be received at the at least a second system*.

However, Panasyuk fails to explicitly or inherently disclose these aspects of applicants' claimed invention. These points are conceded in the Official Action dated February 6, 2008 regarding, for example, the limitations of claims of record 21, 37, *etc.*

Reconsideration and withdrawal of the rejections of independent claims 1, 13, and 32 (and associated dependent claims) under 35 U.S.C. § 102(e) is respectfully requested in view of the comments above.

#### **IV. Rejection of Claim 11 Under 35 U.S.C. §103(a)**

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Panasyuk in view of Deshpande, U.S. Patent 7,171,444. Claim 11 depends directly from independent claim 1. Without conceding the propriety of or the motivation for the combination, reconsideration and withdrawal of the rejection is respectfully requested, at least because Deshpande alone, or in combination with Panasyuk does not disclose each and every limitation of applicants' claimed invention, nor does the combination render applicants' claimed invention obvious.

To reject claims in an application under § 103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some apparent reason to combine the known elements in the fashion claimed by the patent at issue (e.g., in the references themselves, interrelated teachings of multiple patents, the effects of demands known to the design community or present in the marketplace, or in the knowledge generally available to one of ordinary skill in the art. To facilitate review, this analysis should be made explicit. Second, there must be a reasonable expectation of success. *Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.* See MPEP § 706.02(j). See also *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.

S. \_\_\_\_, 04-1350, slip op. at 14 (2007). The reasonable expectation of success must be found in the prior art and not based on applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

Regarding dependent claim 11, Examiner concedes that Panasyuk does not disclose *emulation of a touch pad interface on the local system to control the remote system*, as recited in dependent claim 11 and relies on Deshpande to provide this missing aspect of applicants' claimed invention. However, Deshpande merely describes a touch screen as input to a thin client system and does not disclose *emulation of a touch pad interface on the local system to control the remote system*. In addition, Deshpande fails to cure the deficiencies of the root reference, Panasyuk, as described above regarding independent claim 1. Reconsideration and withdrawal of the rejection of dependent claim 11 under 35 U.S.C. § 103(a) is respectfully requested, at least, in view of the comments above.

**V. Rejection of Claims 18, 21-31, 37, 38 Under 35 U.S.C. §103(a)**

Claims 18, 21-31, 37, 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Panasyuk in view of Beged-Dov *et al.*, U.S. Patent 6,983,328 (hereinafter, "Beged-Dov"). Claims 4, 6-10, 12, 20-25, and 33-40 have been cancelled, and thus claim 26 is the pending independent claim. Without conceding the propriety of the combination, reconsideration and withdrawal of the rejection is respectfully requested, at least because Beged-Dov alone, or in combination with Panasyuk does not disclose each and every limitation of applicants' claimed invention, nor does the combination render applicants' claimed invention obvious.

Regarding amended independent claim 26, Examiner concedes that Panasyuk does not disclose, *routing the clipboard data to the second computing system in response to a routing signal*, regarding claim 21 of record in the Official Action dated February 6, 2008. Similarly, regarding amended independent claim 32, Examiner concedes that Panasyuk does not disclose, *means for automatically routing clipboard content from the first system to the at least a second system, the at least a second system including a second agent that verifies that the clipboard content can be received at the at least a second system*, regarding claim 37 of record. Thus Beged-Dov is relied upon to provide these missing aspects.

For example, column 3, line 63 to column 4, line 2, column 4, lines 30-50, column 5,



lines 17-18 and 36-49 are cited for support that Beged-Dov discloses such as aspects as claimed in amended claims 26 and 32. In contrast, Beged-Dov merely describes transfer of resource(s) from a source web service to a destination web service *via* an intermediary trusted internet clipboard service by intercepting download and upload actions of a user in a web interface. *See, e.g.,* Abstract, Summary, Figure 1, *etc.* For example, Beged-Dov describes a method including intercepting a user's request, capturing information retrieved for the request, editing the recorded messages, and replaying the messages on an Internet clipboard server to effect the resource transfer.

However, Beged-Dov fails to explicitly or inherently disclose the claimed aspects of applicants' invention. For example, column 3, line 63 to column 4, line 2 is cited for support that Beged-Dov describes discloses *routing of clipboard data from the first system and routing the clipboard data to a second system in response to a routing signal*. However, as recited in claim 26, the first system corresponds to the local agent, whereas the second system receives the clipboard data. By requiring the clipboard data to be transferred to the internet clipboard service, Beged-Dov can be reasonably read as teaching away from *routing the clipboard data to the second computing system in response to a routing signal* as recited in claim 6. For instance, while Beged-Dov requires log on and/or log off of associated source and destination web services, initiating and stopping copy functions, and so on, applicants' claimed invention clearly refers to the local system's (first system's) system clipboard.

For example, dependent claim 18 of record recites: first agent facilitates copying of *clipboard data from the first computing system*. Likewise, amended independent claim 26 recites: *clipboard data associated with a first agent of a first computing system*. Similarly, independent claim 32 recites: *clipboard content from the first system*. Thus, by describing the use of the complex and inefficient intermediary process, Beged-Dov teaches away from using the local system clipboard to transfer clipboard data as applicants claim. Accordingly, applicants' representative respectfully submits that by teaching away from the applicants' claim system Beged-Dov cannot be said to provide the motivation to combine Beged-Dov with Panasyuk. Moreover, by specifying an internet intermediary "clipboard" process, Beged-Dov cannot be said to disclose the specific limitations as claimed by applicants in claims 18, 26, 32 (as well as associated dependent claims).

Reconsideration and withdrawal of the rejections is respectfully requested for rejections

under 35 U.S.C. § 103(a) of limitations associated with independent claims 26 and 32 (and associated dependent claims), as well as the rejections of dependent claim 18, at least, in view of the comments above.

**VI. Rejection of Claim 34 Under 35 U.S.C. §103(a)**

Claim 34 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Panasyuk and Beged-Dov and further in view of Deshpande. This rejection is believed to be moot in light of the cancellation of claim 34, and thus, the rejection should be withdrawn.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP501US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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